



Legislative Bulletin.....September 22, 2005

Contents:

H.R. 2123—School Readiness Act of 2005 (Head Start Reauthorization)

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: \$35.7 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 2123 — School Readiness Act of 2005 (Head Start Reauthorization) (Castle)

Order of Business: The bill is scheduled for consideration on Thursday, September 22nd, under a structured rule.

Summary: H.R. 2123 reauthorizes the 1965 Head Start Act (last reauthorized in 1998 through 2003), which provides early childhood education programs for low-income children. The legislation outlines funding authorizations and allocations, incorporates a competitive element into the grant process, raises qualification requirements for Head Start teachers, and aims to increase local, state, and federal collaboration.

Funding Authorizations and Allocations

H.R. 2123 provides for the following funding authorizations and allocations:

- Authorizes \$6.899 billion for FY06, and such sums as may be necessary for FY07 through FY11. The FY06 funds are a \$56 million increase over appropriated FY05 funds;
- \$20 million of the total authorizations is allotted for research, demonstration, and evaluation activities;
- 2% of annual appropriations is for training and technical assistance, of which:
 - not less than 50% is for local Head Start agencies to comply with performance standards,
 - not less than 20% is for State Early Learning Councils, and
 - not less than 30% is for the Secretary of Health and Human Services to help local programs meet new performance standards (of which not less than \$3 million is for family literacy)
- 5% of annual appropriations is for migrant and seasonal Head Start programs;
- 3.5% of annual appropriations is for Indian Head Start programs;
- 60% of funding appropriated above the FY05 funding level is for quality improvement, including teacher recruitment, training, and compensation, classroom improvements, and outreach to underserved populations (homeless, migrant and seasonal, and limited English proficient children); and
- 40% of funding appropriated above the FY05 funding level is for expansion of underserved populations.”

Competitive and Non-Competitive Grants

Under H.R. 2123, an existing Head Start agency or program must meet 19 criteria outlined in the Act, in order to be given priority designation and thereby continue receiving a non-competitive grant. All existing programs not in compliance with the criteria will be required to participate in the competitive grant process. In the competitive process, the designation of an entity as a Head Start agency will be dependent upon meeting specific requirements including, but not limited to, establishing objectives for school readiness of children participating in the program, meeting performance standards, education instruction in prereading, premathematics, and language skills, [and] the provision of health, educational, nutritional, social and other services related to school readiness. Additionally, the measure outlines the administrative, operational, and education standards by which the Secretary is to assess and evaluate each entity applying for both competitive and non-competitive grants to be a Head Start agency.

Program Administration

H.R. 2123 outlines the following provisions pertaining to management and administration of the Head Start program, as well as State Head Start agency and collaboration directives:

- Directs each State to appoint a State Director of Head Start Collaboration to serve as a liaison between the office of the Administration for Children and Families and various State and local agencies.
- Directs the Secretary to appoint a National Migrant and Seasonal Head Start Collaboration Director and a National Indian Head Start Collaboration Director.
- Allows the Secretary to provide a limited waiver of current vehicle safety regulations for Head Start agencies “in transporting children if such requirements pertain to child restraint systems and bus monitors, are in the best interest of the child, or the agency demonstrates that meeting the requirements will significantly disrupt their program.”
- Directs the Secretary to use internal regulation to outline policies and procedures to remove barriers to the enrollment and participation of homeless children in Head Start programs.

- Requires all curricula and instructional materials to be scientifically based and age appropriate and gives parents the ability to inspect any curricula or instructional material upon request.
- Directs Head Start grantees to establish an independent board of directors to provide general program and personnel oversight.
- **Requires a Head Start agency to obtain prior, written consent from the parents before administering any health care service (including any non-emergency intrusive physical examination) to a child (or referring such child to obtain such service) in connection with participation in a program. (See additional information in Items of Note.)**

H.R. 2123 requires the following coordination between Head Start and state and local pre-kindergarten entities:

- Requires Head Start entities to work with publicly funded pre-kindergarten programs to coordinate and align their educational activities with state academic standards. Any Head Start entity not in compliance with this directive will be required to compete for funding against other applicants.
- Authorizes the Secretary to award early learning collaboration grants to each state for the purpose of establishing a State Early Learning Council to enhance current collaboration between Head Start programs and state schools and state child care programs.
- Increases collaboration standards already in place for each Head Start agency and the Local Education Association. The bill adds provisions requiring the coordination of “developmentally appropriate curricula, organizing and participating in joint training; developing and implementing a family outreach and support program, helping parents (including grandparent and kinship caregivers, as appropriate) to understand the importance of parental involvement in a child’s academic success, and developing and implementing a system to increase program participation of underserved populations of eligible children.”

New Teacher Requirements

H.R. 2123 outlines the following requirements for Head Start teachers:

- Requires that by September 30, 2011, at least 50% of all Head Start teachers have a baccalaureate or advanced degree in early childhood education or a related field. (Current law requires at least 50 percent of all teachers to have an associate degree.)
- Requires that within three years of enactment, all new teachers hired by Head Start must have an associate, baccalaureate or advance degree in early childhood education or a related field, or be currently enrolled in a program of study leading to that degree within three years from the date of hire.
- Permits the Secretary to require that individuals receiving Head Start grants to receive an education work as a Head Start teacher following graduation for a number of years equal to the time they received the assistance.

Quality Monitoring and Program Evaluation

H.R. 2123 provides specific direction regarding quality monitoring of Head Start agencies and programs, which includes additional scientifically based education standards to ensure that the children participating in the program, at a minimum develop and demonstrate the following:

- language knowledge and skills, including oral language and listening comprehension;
- prereading knowledge and skills that prepare children for early literacy in schools, including phonological awareness, print awareness and print skills, and alphabetic knowledge;
- premathematics knowledge and skills, including aspects of classification, seriation, number, spatial relations, and time;

- cognitive abilities related to academic achievement and child development;
- **social and emotional development related to early learning, school success, and sustained academic gains; and**
- in the case of limited-English proficient children, progress toward acquisition of the English language while making meaningful progress in attaining the knowledge, skills, abilities, and development required of other Head Start children.

The legislation details specific results-based performance measures to be taken by the Secretary to evaluate existing Head Start programs, and provides for corrective actions to be taken if an agency or program fails to meet the quality and education standards or is considered to be under-enrolled (if the number of students attending the program is fewer than the number of students the agency is funded to accommodate). The Secretary may reduce or eliminate funding to certain programs based upon chronic under-enrollment and redistribute the withheld funds in the same fiscal year to other program.

Items of Note:

Hiring for Faith-Based Head Start Agencies (Not Included in underlying bill)

Currently, faith-based organizations receiving Head Start grants (approximately five percent of all Head Start grantees), are required to forfeit their right to include religious preferences in the hiring process. According to Committee Report 109-136, an amendment to be offered on the floor would permit faith-based organizations that receive Head Start funding to be able hired individuals based upon religious affiliation or belief. This change in Head Start law extends to local Head Start agencies the current federal exemption offered to religious organizations under Title VII of the Civil Rights Act, which allows those organizations to hire on a religious basis. The Committee also notes that several pieces of legislation, including the Welfare Reform Act of 1996 and the Community Service Block Grant Act of 1998, both signed by President Clinton, extended the hiring exemption to faith-based groups receiving funds through these programs. The floor amendment would bring Head Start up-to-date with the other major social service programs governing legislation.

Parental Notification of all Head Start Medical Exams

According to Committee Report 109-136, all Head Start grantees and agencies are required by the Head Start Program Performance Standards to “obtain linguistically and age appropriate screening procedures to identify concerns regarding a child’s developmental, sensory, behavioral, motor, language, social, cognitive, perceptual, and emotional skills within 45 days of the child's entry into the program.” However, current federal law does not require parental consent for the “appropriate screening procedures” Head Start grantees must provide. One case in Oklahoma serves as an example for the need for Head Start parental consent requirements. In 1998, 13 Head Start children ages three through five, were subjected to intrusive genital exams conducted without parental permission. H.R. 2123 addresses this by requiring a Head Start agency to obtain prior, written consent from the parents before “administering any health care service (including any non-emergency intrusive physical examination) to a child (or referring such child to obtain such service) in connection with participation in a program.”

Committee Action: H.R. 2123 was introduced on May 5, 2005, and referred to the Committee on Education and the Workforce, which considered it, held a mark up, and reported it to the House by a vote of 48-0, on May 18, 2005.

Cost to Taxpayers: According to the text, H.R. 2123 authorizes \$6.9 billion in FY06 and such sums as necessary for FY07-FY11. CBO estimates authorizations included in H.R. 2123 will total \$35.7 billion over the 2006-2010 period, subject to appropriations.

While under Democrat control, Congress reauthorized Head Start in 1991, authorizing \$2.386 billion for the first fiscal year, and again in 1994, providing \$7.66 billion for the first fiscal year. Under Republican control, Congress reauthorized the program in 1999, allocating such sums as necessary for all subsequent years of funding and the House passed a reauthorization in 2003, but the Senate did not vote on the measure. See the CRS chart below for specific Head Start authorization and appropriation levels.

Table 1. Head Start Funding: FY1990-FY2005 (CRS Report RL30952)
(\$ in billions)

Year	Authorization	Appropriation	Year	Authorization	Appropriation
1990	1.552	1.552	1998	ssan	4.347
1991	2.386	1.952	1999	ssan	4.658
1992	4.273	2.202	2000	ssan	5.267 ^a
1993	5.924	2.776	2001	ssan	6.200 ^a
1994	7.660	3.326	2002	ssan	6.538 ^a
1995	ssan	3.534	2003	ssan	6.668 ^a
1996	ssan	3.569	2004	expired/tbd	6.775 ^{a,b}
1997	ssan	3.981	2005	tbd	6.843 ^{a,c}

ssan = such sums as necessary

Does the Bill Create New Federal Programs or Rules?: The bill reauthorizes the Head Start Act and creates new standards for the education and professional development of teachers serving program participants.”

Constitutional Authority: The Education and the Workforce Committee, in House Report 109-136, cites Article I, Section 8, Clause 1 (general welfare).

Staff Contact: Joelle Cannon, joelle.cannon@mail.house.gov, X69717

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